

Utah Solid and Hazardous Waste Control Board
MEETING MINUTES
June 12, 2008
8:00 a.m.

Board Members Present: Carlton Christensen (Chair), Craig Anderson, Michael Brehm, Kory Coleman, Jeff Coombs, Dennis Riding, Rick Sprott.

Board Members Excused: Scott Bruce, Ryan Dupont, Craig Forster, Gary Mossor, Kevin Murray, John Newman.

Staff Members Present: Dennis Downs, Brad Johnson, Scott Anderson, Morgan Atkinson, Shane Bekkemellom, Mark Christensen, Doug Hansen, Laura Lockhart, Rusty Lundberg, Dale Marx, John Menatti, Terry Montgomery, Mike Pecorelli, Kimberlee Sellers, Melissa Turchi, Don Verbica, Otis Willoughby, Raymond Wixom.

Others Present: John Bate, Craig Smith, Lyle Fuller, Tim Houpt, Wynn John, Sean McCandless, Ryan Merkley, Jared Miles, Mike Moffitt, R. Gene Moffitt, Treasa Parker, Dave Rickers, Brent Robinson, John Russell, Dan Shrum, Christopher Thomas, Carrie Towner, Lynn Wilde, Robert Yarosik.

I. Call to Order

Carlton Christensen (Chair) called the meeting to order at 8:04 a.m. Mr. Christensen announced that, at the conclusion of the Board meeting, a hearing regarding an appeal of an Underground Storage Tank Corrective Action Plan approval would immediately convene.

II. Approval of Meeting Minutes for the May 8, 2008 Board meeting (Board Action Item)

Kory Coleman moved to approve the May 8, 2008, Board meeting minutes. The motion was seconded by Craig Anderson and **UNANIMOUSLY CARRIED.**

III. Underground Storage Update

Brad Johnson reminded the Board members that in the May meeting, the Board approved proposed rule changes to the Underground Storage Tank (UST) Rules to go to public comment. These changes are a consequence of the Federal Energy Policy Act of 2005. The public comment period will begin June 16, 2008, and will go for 30 days. A formal public comment meeting has also been scheduled for July 1, 2008. The Division of Environmental Response and Remediation (Division) is not expecting a lot of feedback as the proposed rules were already sent out to various stakeholder groups. Also included in the rule changes were a number of non-substantive changes, which included a renumbering of the UST Rules.

Mr. Johnson continued by informing the Board members that the cash balance for the Petroleum Storage Tank (PST) fund declined from 11.8 to 11.6 million dollars. This decline is a result of a large payment made for cleanup of a site that the Division is working on. It is anticipated that in the future, the cash balance will continue to gradually increase.

Mr. Johnson then provided the Board with an update on the cleanup activities taking place at the Gunnison Top-Stop facility. The Division has referred the corrective action plan regarding cleanup of the site to public comment. The public comment period is currently open and will end on June 19, 2008. The Division's Project Manager for the site, Doug Hansen, also met with a number of city officials last week and answered numerous questions regarding the facility. Once the public comment period has ended, the Division will then respond to the comments that were received.

IV. Stipulation and Consent Order between the Board and EnergySolutions LLC (Information Item Only)

Mark Christensen discussed the proposed Stipulation and Consent Order (SCO) No. 0802005 between the Board and EnergySolutions LLC to resolve a Notice of Violation No. 0801002 issued on January 24, 2008. The violations included failure to reject a container that previously contained PCB liquid; failure to provide the Executive Secretary with a treatment formula that required approval; and failure to provide certain emergency organizations with an updated Contingency Plan.

The violations have been resolved and the SCO includes a penalty of \$2,314.00.

The public comment period began on June 5, 2008 and will end on July 7, 2008. Since there will not be a Board meeting in July, this issue will be presented as an action item at the August Board meeting.

V. Other Business

A. Misc. Information items

Dennis Downs reminded the Board that during the next legislative session both the Utah Solid and Hazardous Waste Act and the Utah Used Oil Act are up for sunset review by the Legislature. The Interim Legislative Committee will be hearing information regarding these two programs and making a preliminary decision at their August 20, 2008 meeting. Mr. Downs stated the meeting will begin at 9:00 a.m., however, at this time, an Agenda has not been made available. Board members will notified as further details become available.

B. It was determined in the May 8, 2008 Board meeting, that the July Board meeting will be cancelled.

The next Board meeting will be held on August 14, 2008 at 1:00 p.m., in the Utah Department of Environmental Quality, (Conference Room 101), located at 168 North 1950 West, (Bldg. #2), SLC.

VI. Adjourn

The meeting adjourned at 8:13 a.m.

In conjunction with and immediately following the Board meeting, an Administrative Hearing was held regarding the Gold Cross Ambulance - Conditional Approval of UST Corrective Action Plan Appeal.

Board Members Present at the hearing: Carlton Christensen (Chair), Craig Anderson, Mike Brehm, Kory Coleman, Jeff Coombs, Dennis Riding, and Rick Sprott.

Staff Members Present at the hearing: Brad Johnson, Morgan Atkinson, Shane Bekkemellom, Lorna Hackford, Barbara Johnson, Laura Lockhart, Dale Marx, John Menatti, Fred Nelson, Mike Pecorelli, Kimberlee Sellers, Melissa Turchi, Tino Valles, and Raymond Wixom.

Others Present at the hearing: Kay Eckardt, Lyle Fuller, Heidi Gardner, Tim Houpt, Wynn John, Ryan Merkley, Jared Miles, Mike Moffitt, R. Gene Moffitt, Clark Nielsen, Dave Rickers, Brent Robinson, John Russell, Craig Smith, Christopher Thomas, Carrie Towner, and Lynn Wilde.

For minutes of the Administrative Hearing, please see the legal transcript.

It was moved by Kory Coleman and seconded by Richard Sprott, and UNANIMOUSLY CARRIED that the Executive Secretary's (UST) conditional approval of the corrective action plan regarding the former Gold Cross Ambulance facility be upheld.